

REMARKS

The Official Action rejects claims 1, 2, 23-29, and 32-34 under 35 U.S.C. § 103(a) as being obvious over Sloo (U.S. Patent No. 5,895,450) in view of Berstis et al. (EP Patent No. 1061465A2). This rejection is traversed for the reasons set forth below.

The present application has a filing date of February 18, 2000 and claims priority to an early filed U.S. provisional patent application. The subject matter claimed in independent claims 1 and 23 is described and disclosed in this provisional patent application. Berstis was published December 20, 2000, after the filing dates of both of the provisional patent application and the present application. As a result, Berstis is not prior art to the present application. Therefore, the combination of Sloo and Berstis is improper. Claims 2, 24-29 and 32-34 variously depend from claims 1 and 23 and, thus, are also distinguished from the cited art. Thus, withdrawal of the rejection of claims 1, 2, 23-29, and 32-34 is respectfully requested.

The Official Action rejects claims 8-10, 21,22, 30, and 31 under 35 U.S.C. § 103(a) as being obvious over Sloo (U.S. Patent No. 5,895,450) in view of Siefert (U.S. Patent No. 5,904,485). This rejection is traversed for the reasons set forth below.

Applicant's invention, as recited in claim 9, includes a step that is neither disclosed nor suggested by the cited art, namely:

...providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith.

The Official Action recognizes that Sloo does not disclose this step. (See the Official Action at page 3, Para. 5). In an attempt to overcome this deficiency, the Official Action stated:

6. However, Sloo does teach allowing general users the ability to post their support or opposition to the judgment and encouraging responses (C9 L50-L55).

and Official Action concluded:

7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the step of allowing interaction includes a question of a party in the dispute in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create a entertaining medium by soliciting opinions and interactive inputs from additional system users. (emphasis added)

The Official Action's stated motivation is not found in the cited art but in the teachings of Applicant's specification. MPEP Section 706.02(j) states "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." (emphasis added) The Official Action provides no evidence that teachings of this motivation exist outside the teachings of the present application. This is impermissible hindsight.

Further, Sloo simply teaches allowing a user to show support or opposition so that judges or jurors with low performance ratings are not selected. This is not entertainment, nor does it suggest entertainment. This is a process to eliminate bad judges and jurors. There is simply no teaching or suggestion for one skilled in the art to modify Sloo as suggested in the Official Action.

Applicant's invention, as recited in claim 9, includes another step that is neither disclosed nor suggested by the cited art, namely:

...providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith; and determining which people that access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts.

According to this claim, the assessment is based on the person's knowledge of the facts or the law. Neither Sloo nor Siefert disclose assessing a person's knowledge of the law or facts of a dispute. The Official Action is silent with regard to an assessment of these knowledge areas. Nor do the references disclose an assessment of these knowledge areas in the claims. Thus, the Official Action fails to state a *prima facie* case of obviousness.

Further, Sloo teaches away from the combination with Siefert. MPEP Section 2143.01 states “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Sloo teaches that the performance of judge and jurors is rated to avoid the future selection of judges and jurors with low performance ratings. Thus, Sloo simply teaches weeding out poor performing jurors or judges and does not contemplate remediation of those judges and jurors. The proposed combination suggested in the Official Action on the other hand attempts to remediate the class of poor performing judges and jurors. This proposed combination is clearly the product of improper hindsight reconstruction, as the only teachings that suggest this is Applicant’s specification. Further, this would frustrate Sloo’s stated purpose to identify and avoid poor performing judges and jurors. Accordingly, there is no suggestion for one skilled in the art to combine Sloo and Siefert in a way that results in the claimed invention. Thus, the combination of Sloo and Siefert is inappropriate.

Claim 8 depends from claim 23. Claim 23 discloses another step that is neither disclosed nor suggested by the cited art, namely:

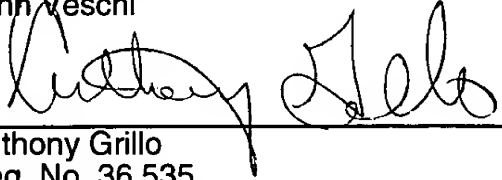
interaction directed towards resolving the dispute occurring in substantially real-time between at least one of the parties to the dispute and another person, wherein the substantial real-time interaction is displayed on at least a display and the display includes a dispute related advertising field including an advertisement that is selected by a computer based system.

The Official Action is silent with regard to this step, as it does not address resolving a dispute occurring substantially in real-time. Nor do the cited references disclose or suggest resolving a dispute substantially in real-time. Similarly, the recited step of displaying the real-time interaction on at least one display is not disclosed or suggested by the cited art, and not discussed in the Official Action. This step was also not discussed in the Official Action. Thus, claim 8 is distinguished from the cited art, alone or in combination. Thus, withdrawal of the rejection of claims 8-10, 21,22, 20, and 31 under 35 U.S.C. § 103(a) is respectfully requested.

Applicant has added new claims 37-40. These claims include steps or features that are neither disclosed nor suggested by the cited art.

Based on the forgoing, the above-identified application is in condition for allowance.

Respectfully Submitted,
John Veschi



Anthony Grillo
Reg. No. 36,535
Attorney for Applicants

August 13,
Dated: ~~July 7~~, 2003

Attached: Clean Copy of Claims *or*

Clean Copy of th Claims

1. A method of resolving a dispute, comprising:

at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute;

information related to resolution of the dispute being provided, via the on-line connection, to at least one of the parties; and

providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith,

wherein the step of allowing interaction includes allowing a question of a party in the dispute, and

wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer based system.

2. A method as recited in claim 1, further comprising the step of at least one of the parties providing payment information for use in obtaining a fee associated with the service of providing the resolution related information.

8. A method as recited in claim 23, further comprising:

determining which people that access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions.

9. A method of resolving a dispute, comprising:

at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute;

information related to resolution of the dispute being provided, via the on-line connection, to at least one of the parties;

providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith; and determining which people that access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts,

wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions, and

wherein the person is provided another set of questions from the larger set of questions if the person does not answer a predetermined number of the questions correctly.

10. A method as recited in claim 9, further comprising the step of providing educational information to the person prior to providing the another set of questions.

21. A method as recited in claim 8, wherein the determining step is based on an assessment of the person's knowledge of the law.

22. A method as recited in claim 8, wherein the determining step is based on an assessment of the person's knowledge of the facts.

23. A method of resolving a dispute, comprising:

at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute; and

interaction directed towards resolving the dispute occurring in substantially real-time between at least one of the parties to the dispute and another person, wherein the substantial real-time interaction is displayed on at least a display and the display includes a dispute related advertising field including an advertisement that is selected by a computer based system.

24. A method as recited in claim 23, wherein the other person is another party to the dispute.

25. A method as recited in claim 23, wherein the other person is a third party other than one of the parties to the dispute.

26. A method as recited in claim 25, further comprising the step of enabling another third party to view the dispute without enabling the other third party to interact with the parties.

27. A method as recited in claim 23, wherein the interaction comprises a question directed to the at least one of the parties.

28. A method as recited in claim 23, wherein the interaction comprises a vote on which party should prevail.

29. A method as recited in claim 23, wherein the input is in written form.

30. A method as recited in claim 26, further comprising the step of enabling the third party to interact based on an assessment of the third party's knowledge of the law.

31. A method as recited in claim 26, further comprising the step of enabling the third party to interact based on an assessment of the third party's knowledge of the facts.

32. A method as recited in claim 23, further comprising the step of providing, via the on-line connection, information related to resolution of the dispute to at least one of the parties.

34. A method as recited in claim 23 wherein a computer based system manages the interaction between the parties.

35. A method as recited in claim 23, wherein the input is related to real life facts.

36. A method as recited in claim 23, wherein the dispute related advertising field includes an advertisement related to a fact of the dispute.

37. A method of resolving a dispute, comprising:

at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute; and

interaction, directed towards resolving the dispute occurring in substantially real-time, involving at least one of the parties to the dispute.

38. The method of claim 37 further comprising:

interaction of a third party with at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror.

39. The method of claim 37 wherein the substantial real-time interaction is displayed on at least a display.

40. A system for fostering the resolution of a dispute, comprising:

a computer adapted to receive from at least one of a plurality of parties to the dispute, via an on-line connection, an input relating to the dispute;

the computer further adapted to receive an interaction directed towards resolving the dispute in substantially real-time between at least one of the parties to the dispute; and

the computer further adapted to arrange the input and the interaction for transmission to a display of a person who is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror.